

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

CAUSE NO. CV24-09-734

IN THE MATTER OF THE
MARRIAGE OF

CHRIS MCCARTHY
and
DARCY GUSSE

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IN THE COUNTY COURT

AT LAW NUMBER TWO

WISE COUNTY, TEXAS

**MOTION FOR TEMPORARY ORDERS AND REQUEST FOR TEMPORARY
RESTRAINING ORDER**

This *Motion for Temporary Orders and Request for Temporary Restraining Order* is brought by Christopher McCarthy, Petitioner, who shows in support:

1. Despite numerous similar temporary restraining orders in this case thus far, agreed orders, mediation, and other agreements, many of which were made at the courthouse or via legal counsel, Petitioner and Respondent have been unable to agree on the temporary use and possession of their community property while this case is pending.
2. Respondent has maintained physical possession of the community property and has repeatedly denied Petitioner access to the property, despite prior orders and agreements to the contrary, and despite admonishments by law enforcement.
3. Petitioner owns a company that is located and operated at the community property.
4. Respondent has denied Petitioner physical access to the community property multiple times since the beginning of these proceedings, resulting in not only Petitioner's denial of access to the community property but to his business operations. (Respondent is necessarily and contemporaneously filing an action in enforcement and contempt relative to these same issues.)
5. Respondent has utilized her sole physical possession of the community property to damage and to destroy to Petitioner's personal property, business property, interest, community property, and other equipment located on the property.
6. Respondent has also through negligence and willfulness allowed harm to befall the community property by failing to maintain the property and by allowing her animals to damage parts of the community property.

I. Request for Temporary Orders

Petitioner requests the Court, after notice and hearing, to make temporary orders for the preservation of the community property. Petitioner requests that the Court order Respondent to vacate the marital residence and grant the Petitioner exclusive possession of the marital residence and all business and commercial property for which it has been established and can be used.

II. Request for Temporary Restraining Order

Petitioner requests the Court to temporarily restrain immediately, without hearing, and

after notice of hearing be temporarily enjoined, pending further order of this Court, from the following numbered items. As basis for the temporary restraining order, Petitioner would show that, before the filing of this petition, Respondent has engaged in the conducted stated in the affidavit attached as *Exhibit A*. Based on that affidavit, Petitioner requests the Court to (not only enforce its *Standing Orders*, but) temporarily restrain the Respondent immediately from:

1. Intentionally, knowingly, or recklessly destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of one or both of the parties with intent to obstruct the authority of the Court to order a division of the estate of the parties in a manner that the Court deems just and right, having due regard for the rights of each party, including the specific properties listed herein above.
2. Intentionally falsifying a writing or record, including an electronic record, relating to the property of either party.
3. Intentionally misrepresenting or refusing to disclose to Petitioner or to the Court, on proper request, the existence, amount, or location of any tangible or intellectual property of one or both of the parties, including electronically stored or recorded information.
4. Intentionally or knowingly damaging or destroying the tangible or intellectual property of one or both of the parties, including electronically stored or recorded information.
5. Intentionally or knowingly tampering with the tangible or intellectual property of one or both of the parties, including electronically stored or recorded information, and causing pecuniary loss or substantial inconvenience to Petitioner.
6. Selling, transferring, assigning, mortgaging, encumbering, or in any other manner alienating any of the property of one or both of the parties, whether personal property, real property, or intellectual property, and whether separate or community property, except as specifically authorized by order of this Court.
7. Incurring any debt, other than legal expenses in connection with this suit, except as specifically authorized by order of this Court.
8. Withdrawing money from any checking or savings account in any financial institution for any purpose, except as specifically authorized by order of this Court.
9. Opening or diverting mail or email or any other electronic communication addressed to Petitioner.
10. Signing or endorsing Petitioner's name on any negotiable instrument, check, or draft, including a tax refund, insurance payment, and dividend, or attempting to negotiate any negotiable instrument payable to Petitioner without the personal signature of Petitioner.
11. Taking any action to terminate or limit credit or charge cards in the name of Petitioner.
12. Using any password or personal identification number to gain access to Petitioner's email account, bank account, social media account, or any other electronic account.
13. Terminating or in any manner affecting the service of water, electricity, gas, telephone, cable television, or any other contractual service, including security, pest control, landscaping, or yard maintenance, at 157 CR 1380, Alvord, Texas or in any manner attempting to withdraw any deposits for service in connection with any of those services.

14. Excluding Petitioner from the use and enjoyment of the residence located at 157 CR 1380, Alvord, Texas.
15. Entering, operating, or exercising control over the motor vehicle in possession of Petitioner or any motor vehicle in the possession of Petitioner.
16. Tracking or monitoring personal property or a motor vehicle in the possession of Petitioner, without Petitioner's effective consent, including by using a tracking application on a personal electronic device in the possession of Petitioner, using a tracking device, or physically following Petitioner or causing another to physically follow Petitioner.
17. Causing encumbrance, sale, distribution, forfeiture, or any other legal change relative to title, ownership, and conveyance in any manner, regarding the following properties:
 - 1) Lot 20, Block 1, of BAR W, an Addition to Wise County, Texas, according to the Plat thereof recorded in Cabinet E, Slide 311, Plat Records of Wise County, Texas ~ 10 acres; and
 - 2) Lot 21, Block 1, of BAR W, an Addition to Wise County, Texas, according to the Plat thereof recorded in Cabinet E, Slide 311, Plat Records of Wise County, Texas ~ 10 acres
18. Exercising possession or control of any of the property located at the common known address of 157 CR 1380, Alvord, Texas – which includes both parcels herein above stated in #17.
19. Entering or remaining on the premises of the residence or lands located at the common known address of 157 CR 1380, Alvord, Texas – which includes both parcels herein above stated in #17.
20. Allowing anyone else, including Respondent's own relatives, to remain on the property (at the common known address of 157 CR 1380, Alvord, Texas – which includes both parcels herein above stated in #17) in her stead, or with her permission, either directly or indirectly; Respondent affirmatively has a duty to immediately notify and legally remove any other persons from the property, excepting Petitioner, to effectuate the purpose of this Order.

III. Prayer

Petitioner prays that this Court enter temporary orders regarding the parties' use of community property while this case is pending and that this Court immediately grant a temporary restraining order restraining Respondent, in conformity with the allegations of this petition, from the acts set forth above, and Petitioner prays that, after notice and hearing, this temporary restraining order be made a temporary injunction.

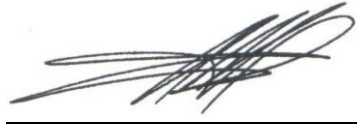
Petitioner prays that, on final hearing, the Court enter a permanent injunction enjoining Respondent, in conformity with the allegations of this petition, from the acts set forth above.

Petitioner prays for general relief.

Respectfully submitted,

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Certificate of Service

I certify that a true copy of this document was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on 4 June 2025:

Darcy Gusse by electronic filing manger and by email.


Andrew M. Lloyd

Automated Certificate of eService

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Brianna Davis on behalf of Andrew Lloyd

Bar No. 24039019

brianna@lloyd counsel.com

Envelope ID: 101632550

Filing Code Description: Motion (No Fee)

Filing Description: MOTION FOR TEMPORARY ORDERS AND
REQUEST FOR TEMPORARY RESTRAINING ORDER

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